

FISH & RICHARDSON P.C.

Suite 1100
919 N. Market Street
P.O. Box 1114
Wilmington, Delaware
19899-1114

Telephone
302 652-5070

Facsimile
302 652-0607

Web Site
www.fr.com

Thomas L. Halkowski
302 778-8407

Email
halkowski@fr.com

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

August 7, 2008

VIA E-MAIL AND HAND DELIVERY

Judge Vincent Poppiti
Blank Rome LLP
Chase Manhattan Centre
1201 Market Street, Suite 800
Wilmington, DE 19801

Re: *Honeywell Int'l Inc., et al. v. Apple Computer, Inc., et al.*
USDC-D. Del., C.A. No. 04-1338 KAJ (Consolidated)



ATLANTA

AUSTIN

BOSTON

DALLAS

DELAWARE

MUNICH

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Dear Judge Poppiti:

This addresses Honeywell's letter of August 5, 2008 (D.I. 1126), regarding its effort to seek discovery from customer defendants on commercial success. Apple vigorously has objected to such discovery as being irrelevant to this matter.¹ Moreover, to the extent this discovery issue remains under consideration by the Court, Apple disagrees with any suggestion that the discovery issue must be decided now in combination with the Court's forthcoming decision concerning the scope of accused products (i.e., whether the scope of accused products remains open, or, if not, when was the cut-off date for identifying accused products in this suit). To the extent the Court requires additional information, Apple is prepared to assist in whatever manner necessary.

Respectfully,

Thomas L. Halkowski

Thomas L. Halkowski

TLH:sb

cc Clerk of Court (via hand)
Counsel of Record (via ECF and e-mail)

¹ Apple has previously responded to Honeywell's efforts to obtain this discovery, and, to the extent this issue remains a concern, Apple respectfully references its prior submissions to the Court (D.I. 691 and 732).